

November 30, 2006

#### MEMORANDUM

TO: Department Directors

**Public Information Officers** 

RE: Supplement to August 27, 2004 memorandum on

FAQ Under the Public Records Act (PRA)

CA File No. 7353.52

This memorandum is a supplement to the August 27, 2004 memorandum addressing frequently asked questions under the Public Records Act (PRA) and provides an overview of the steps to be taken when responding to requests for public records.

### A. City staff is responsible for responding to requests for records.

City departments where the records are located are responsible for responding to requests for records, as the custodian of records. The City Manager may also designate a particular staff member to address some or all of the requests.

#### B. Proposition 59.

Proposition 59<sup>1</sup> was enacted by the voters in 2004 establishing a constitutional right for public access to information. As a result, the City has to demonstrate somewhat to a greater extent than under state law why information requested by the public should not be disclosed.

# C. Recommended steps when responding to requests. City staff should do the following:

1. The law requires staff to make reasonable efforts to assist a member of the public seeking records to make a focused and effective request that reasonably describes an identifiable record.<sup>2</sup>

Section 3, Article 1 of the California Constitution.

See AB 1014, amending Gov. Code § 6253, and adding Gov. Code § 6253.1.

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- 2. Acknowledge receipt of the request which may be verbal or in writing. Ask the requester to place the request in writing, although requestor is not legally obligated to place to do so.
- 3. Within 10 days from the date of the receipt of the request, determine whether the record is subject to disclosure, and immediately notify the person of the determination. The 10 day period may not be used to delay or obstruct the inspection or copying of public records. Under unusual circumstances, the time to respond may be extended by no more than 14 days.<sup>3</sup>
- 4. Copy and make all responsive documents available upon payment of a fee. The City may only charge a fee to cover the direct cost of duplication designated in the Master Fee Schedule.
- 5. If the documents requested are voluminous or in a form that is not easily reproducible, ask the person whether a summary of the information is sufficient.
- 6. When a request will be denied, City staff must demonstrate that the record is expressly exempt by law or under the balancing test.<sup>4</sup> The notification of the denial shall contain the names and titles or positions of each person responsible for the denial.<sup>5</sup>
- 7. If the request is in writing, any denial in whole or in part, must be in writing.
  - 8. Consult the City Attorney's Office whenever:
    - i. there is a question of whether a document is exempt from disclosure;
    - ii. the document is labeled Attorney-Client Privilege; and
    - iii. the document pertains to litigation or threatened litigation.
- 9. Advise the requesting party of a time and place when the responsive documents will be available for inspection and/or copying.

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<sup>&</sup>lt;sup>3</sup> Gov. Code § 6253.

<sup>&</sup>lt;sup>4</sup> Gov. Code § 6255.

<sup>&</sup>lt;sup>5</sup> Gov. Code § 6253.

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# D. Exception for reports and statements filed pursuant to the Political Reform Act.

Any report or statement filed pursuant to the Political Reform Act must be made available for inspection or reproduction during regular business hours. Such records must be made available no later than the second business day following the day in which the request is received.<sup>6</sup> A charge for copies may not exceed ten cents (\$0.10) per page. The filing officer may charge a retrieval fee of five dollars (\$5) per request for copies of reports and statements which are five or more years old. The records may include, but are not limited to the Statements of Economic Interests (Form 700s) and campaign statements.

### E. Records in electronic format.

- 1. If the request is both in electronic and non-electronic format, the City may inform the requestor that the information is in electronic format.
- 2. A copy of electronic records shall be provided in the format requested, if the City uses that format to make copies for its own use or to other agencies.
- 3. Nothing in the PRA may be construed as permitting the City to make the information available only in electronic format.
- 4. The City is not required to reconstruct a record in electronic format if the City no longer has the record in electronic format.
- 5. The City is not required to release an electronic record in the electronic form held by the City if its release would jeopardize or compromise the security or integrity of the original record or of any proprietary software in which it is maintained.

#### F. Violations.

- 1. A City may not file a declaratory relief action solely to determine the City's obligation to disclose documents requested.<sup>7</sup>
- 2. If the City refuses to provide the records, the requestor may bring an action in Superior Court to compel disclosure.

<sup>&</sup>lt;sup>6</sup> Gov. Code § 81008.

Filarsky v. Superior Court, 28 Cal.4th 419 (2002).

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3. If the court determines the records must be turned over, the City is required to pay attorneys' fees and court costs.

### G. City resources available on the City website.

- 1. Fresno Municipal Law Guidebook, Section 3, "Public Records Retention and Disclosure" which is available on the City Attorney website.
- 2. "Frequently Asked Questions under the California Public Records Act, and Attachment "A" listing relevant examples of statutes that expressly exempt public records from disclosure which is available on the City Attorney website.

Respectfully submitted,

TEI YUKIMOTO Deputy City Attorney

TY:ty:pn[38246ty-pn/TY]-11/29/06

c: Andrew Souza, City Manager
 Becky Klisch, City Clerk
 James C. Sanchez, City Attorney
 David P. Hale, Chief Assistant City Attorney



HILDA CANTÚ MONTOY
City Attorney

August 27, 2004

#### **MEMORANDUM**

TO: Mayor Alan Autry

Council

Daniel Hobbs, City Manager

**Department Directors** 

Dan Fitzpatrick, Redevelopment Executive Director

RE: Frequently Asked Questions Under the California Public Records Act

This memorandum sets forth frequently asked questions and answers to the California Public Records Act. Please review and distribute to your staff. We will also post it on the City's website under the City Attorney.

## A. Who is Responsible for Responding to California Public Records Act Requests?

The City Department where the records are located is responsible for responding to requests for public records as the custodian of records. The City Manager may also designate a particular staff member to address all or particular requests. The City Attorney's Office should be consulted to assist City staff whenever: (i) there is a question as to whether a record is exempt from disclosure; (ii) nondisclosure is being considered under the balancing test; (iii) a document is an attorney-client communication; and (iv) when a record pertains to litigation or threatened litigation.

### B. General Requests.

#### 1. What is the "California Public Records Act?" 1

The California Public Records Act (CPRA) is California state law that gives the public the right to inspect and copy most records retained by governmental agencies in the course of business. The purpose of the CPRA is to safeguard the accountability of government to the public.<sup>2</sup> The CPRA regulates the public's access to the records, and contains limited statutory circumstances when records need not be disclosed. The CPRA is modeled on the federal Freedom of Information Act (FOIA) which is often relied on to construe the CPRA.<sup>3</sup>

#### 2. What is a public record?

A public record is any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency

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regardless of physical form or characteristic.<sup>4</sup> A writing is not limited to written or printed documents, but encompasses a broad range of recording communication, including computer data.<sup>5</sup>

### 3. Are all public records subject to public disclosure?

No. The CPRA expressly exempts particular public records from disclosure. The CPRA also includes a balancing test to determine whether a document is exempt from disclosure on a case by case basis as more fully explained in Number 16 below.

### 4. Does a request for records have to be in writing?

No. A request need not be in writing, and may be made verbally. Whenever a request is for voluminous or sensitive records, the City may request that it be submitted in writing to protect the requester and to assist the City in making a determination regarding disclosure. However, the City cannot mandate that all requests be in writing.

#### 5. When are records to be made available for inspection?

As a general rule, public records are to be open for inspection during office hours.

6. If a person wants to inspect or obtain a copy of a public record, but fails to describe a reasonably identifiable record, is City staff required to assist the individual to make a focused and effective request?

Yes, to the extent reasonable under the circumstance. Under legislation effective January 1, 2002, when a member of the public makes a request to inspect or obtain a copy of a public record, City staff, to assist the individual in making a focused and effective request that reasonably describes an identifiable record or records, shall do all of the following to the extent reasonable under the circumstances:

- (i) assist the individual to identify records and information that are responsive to the request or purpose of the request, if stated;
- (ii) describe information technology and physical location in which the record exists: and
- (iii) provide suggestions for overcoming any practical basis for denying access to the records or information sought.

The requirements are satisfied if City staff is unable to identify the requested information after making a reasonable effort. City staff is not required to provide assistance if the records are made available, the records are expressly exempt from disclosure, or an index of the record is made available.

### 7. What is the time frame for responding to a request for public records?

The City must respond to a CPRA request no later than 10 days from the date of receipt of the request. For this reason, we strongly recommend that requests be date stamped with the date of receipt. However, the CPRA cannot be used to delay or

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obstruct the inspection or the copying of records. Thus, the City may not arbitrarily wait until the 10th day to provide easily identifiable and disclosable records. The City should notify the requestor immediately if a determination can be made sooner. Within the 10 day period, the City must do all of the following:

- (i) determine whether the request seeks copies of records subject to disclosure;
- (ii) promptly notify the person of the City's determination; and
- (iii) state reasons for the City's determination.8

### 8. Can the time period to respond be extended?

Yes, for unusual circumstances. The time to respond may be extended by no more than 14 days.

# 9. What constitutes "unusual circumstances" for extending the time to respond?

"Unusual circumstances" include the need to search, collect records from other field facilities, review a voluminous amount of records, consult with another agency, compile data, or establish a program to extract data.

# 10. Is the City required to notify the requesting party in writing of the 14 day extension?

Yes. The City Manager, or his or her designee, must prepare a written notice setting forth the reasons for the extension and the date on which a determination is expected or dispatched. If the City determines that the request seeks disclosable public records, the written notice shall also include an estimated date and time when the records will be made available.<sup>10</sup>

#### 11. What if the records contain both exempt and nonexempt materials?

When the record contains both exempt and nonexempt materials, the nonexempt materials that may be reasonably segregated from the exempt materials are to be disclosed to satisfy the objectives of the CPRA. This can be done by the redaction method.

#### 12. Can an individual have the records disclosed in electronic format?

Yes, if all of the following conditions are met:

- (i) the record is subject to disclosure;
- (ii) the City holds the information in electronic format; and

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(iii) its release in electronic format does not compromise the security or integrity of the original record or jeopardize the proprietary software in which it is maintained. 12

# 13. Is the City required to provide a copy of the electronic record in the format requested?

Yes, if the City uses that format to make copies for its own use, or for use by other agencies.

### 14. Can the City charge a fee for copies of the records being requested?

Yes. The City may charge for direct costs of duplication<sup>13</sup> at the rate established in the Master Fee Schedule.

#### 15. Can the City charge for services in providing copies of records?

No. The City is limited to payment of fees covering the direct cost of duplication. State legislation is required for cities to charge for reasonable services, which currently does not exist for charter cities.<sup>14</sup>

#### 16. On what grounds may a request for public records be denied?

A request for public records may be denied if the CPRA expressly exempts those records from disclosure. The request may also be denied under the balancing test, referred to as the catchall exception. <sup>15</sup> Under this test, the City staff must determine on a case by case basis, whether the public interest in disclosure is outweighed by the public interest in nondisclosure. We strongly urge that the City Attorney's Office be consulted if staff is considering nondisclosure based on the balancing test.

# 17. Does the CPRA contain a list of state laws that expressly exempts information contained in a record from disclosure?

Yes. The state legislature has declared that after January 1, 1999, each addition or amendment to a statute that exempts any information contained in a public record from disclosure shall be listed in the CPRA. The list is located in Government Code Sections 6275 - 6276.03. See attachment "Relevant Examples of Statutes that Exempt Information Contained in a Public Record from Disclosure".

# 18. Is the City required to respond to a request for public record in writing?

Yes, if the request for records was in writing, and the City is denying the request in whole or in part. 16

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### 19. Is the City required to state reasons for denying a request for records?

Yes. The City must demonstrate that the record is exempt under express provisions of law, or that based on the facts, the public interest served by withholding the record clearly outweighs the public interest served by disclosure of the record.<sup>17</sup>

#### 20. Can the City deny a request based on the purpose of the request?

No. If the records are subject to disclosure, the records must be released. 18

### 21. Can the City file an action for declaratory relief to ask the court to determine whether the records must be disclosed?

No. Pursuant to a recent California Supreme Court decision, the City cannot file a declaratory relief action to ask the court to determine whether the City must disclose the records. The exclusive means for litigating the issue is for the person making the request to institute a court proceeding for injunctive or declaratory relief or writ of mandate to enforce his or her right to inspect or receive a copy of any public record.

### 22. What if the City unjustifiably denies a request for a record?

The individual requesting the records may seek a court order. If the court finds the City improperly withheld disclosure of the records, the requestor may be entitled to court costs and reasonable attorney's fees.<sup>20</sup>

### 23. What if the person making the request files a lawsuit that is clearly frivolous?

The court may award the City costs and reasonable attorney's fees for clearly frivolous lawsuits.<sup>21</sup>

# 24. Is a written communication with the City Attorney's Office subject to disclosure?

No, if the written communication falls within any exemption or privilege. Communications that are exempt from disclosure include the following:

- (i) materials relating to proposed or pending litigation;
- (ii) communications in furtherance of an attorney-client relationship; and
- (iii) communications that are part of the attorney work product embodying the attorney's thought processes and strategies.

Communications between the City Attorney's Office and City employees and agents should be considered as presumptively privileged unless the City Attorney's Office advises otherwise.<sup>22</sup>

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### C. Requests for Police Records.

### 1. Are sections of the Fresno Police Department Policy Manual exempt from disclosure?

Yes. Sections of the Manual that may compromise officer safety or criminal investigations, or reveal investigatory tactics are exempt from disclosure. <sup>23</sup>

#### 2. Is a police report subject to disclosure?

Generally, a police report by number and incident is subject to disclosure.<sup>24</sup> However, a general request for all police reports on a particular individual is not disclosable.<sup>25</sup>

### 3. Is a report of an ongoing investigation subject to disclosure?

No. A report of an investigation that is not completed and the disclosure of which would compromise the investigation is not disclosable.<sup>26</sup>

### 4. Is a report regarding a juvenile subject to disclosure?

Reports regarding a juvenile which could potentially make the juvenile a ward of the court are not to be disclosed for any reason.<sup>27</sup> However, the party making the request may file a petition with the Juvenile Court pursuant to Welfare and Institutions Code Section 827. The court may order disclosure of some or all of the requested information.

### 5. Could a police report contain any information that must be redacted before it is disclosed?

Yes. Certain information such as the addresses, telephone numbers, and names of sexual assault victims, or victims of domestic violence must be redacted from the report before it is disclosed.<sup>28</sup> The address and telephone number of the victim or witness of a crime cannot be disclosed to the defendant or a suspect of the crime, except to the defendant's attorney through normal discovery procedures.<sup>29</sup>

#### 6. Is a traffic accident report subject to disclosure?

Traffic accident reports are generally only released to people who were involved in the accident or who have other legitimate interests in the information provided, such as insurance companies.<sup>30</sup>

## 7. Can information regarding people who hold concealed weapons permits be disclosed?

In general, information relating to individuals who hold Carry Concealed Weapons (C. C. W.) permits is disclosable. However, information that may place the permit holder at risk of being a victim of a crime is not to be disclosed, such as the address and reason for the permit.<sup>31</sup>

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#### 8. Is information in a peace officer's personnel file subject to disclosure?

No. Release of this information requires the filing of a special motion called a Pitchess Motion in state court. The rules of federal court do not necessarily require a Pitchess Motion. However, most judges will follow the *in camera* procedure followed in state court before releasing the information. In any case, the person making the request must show relevancy prior to disclosure.<sup>32</sup>

# 9. Is a request for premises history information disclosable (i.e., information regarding criminal activity at a particular address or addresses)?

As a general rule, this information is subject to disclosure.<sup>33</sup>

### 10. Is an individual's criminal history disclosable?

No. This information is not subject to disclosure. It is a misdemeanor to release such information.<sup>34</sup>

#### 11. Are materials used in training police officers subject to disclosure?

Such requests must be handled on a case by case basis. The facts must be evaluated on the basis of whether disclosure of the materials may compromise officer safety or tactics and interfere with law enforcement. If it would do either, the materials are not disclosable.<sup>35</sup>

# 12. Is information regarding juveniles who are accused of criminal behavior disclosable to their victims or others?

No. A court order from the Juvenile Court or Superior Court under Welfare and Institutions Code Section 827 is necessary to release such information, except in rare circumstances involving missing or wanted juveniles or juveniles who have committed specified, serious felony crimes.<sup>36</sup>

# 13. Is the Arrest Log Information of people who have been arrested by the Police Department subject to disclosure?

This information is disclosable for journalistic or investigatory purposes only. The person making the request must sign a declaration that the request is for one of those two reasons and not for commercial purposes.<sup>37</sup>

#### D. Personnel Matters.

### 1. Is data used to administer an examination for employment subject to disclosure?

No. Test questions, scoring keys, and other examination data used to administer an examination for employment are exempt from disclosure.<sup>38</sup>

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### 2. Are written recommendations of interview panel members subject to disclosure?

No. Staff evaluations and recommendations discussing an applicant's fitness or suitability for appointment are considered communications to the decision maker and are protected from disclosure under the "deliberative process privilege" before a hiring decision is made.<sup>39</sup>

#### 3. Are communications after a hiring decision is made privileged?

No. Communications after a hiring decision is made and explaining such a decision are not privileged.

### 4. Are employees entitled to their personnel files with a request under the CPRA?

Yes, with certain exceptions. Employees may have access to most of their personnel records based simply on their status as employees. Under Labor Code Section 1198.5, an employer must allow employees to inspect their personnel records, including records that were used to determine the qualification for employment, promotion, additional compensation or termination, or other disciplinary action.<sup>40</sup>

# 5. Are employees entitled to inspect records relating to possible criminal investigation or letters of reference?

No. Employees do not have a right to inspect (i) records relating to the investigation of a possible criminal offense and (ii) letters of reference.<sup>41</sup>

# 6. Are personnel records subject to disclosure to individuals other than an employee?

Generally not. The "personnel exemption" to the CPRA exempts personnel, medical, or similar records from public inspection where disclosure would constitute an unwarranted invasion of privacy.<sup>42</sup>

#### 7. Is salary information of City employees subject to disclosure?

Yes. In a recent published case the court upheld an order to release the salaries of all City employees without personal identifying information. <sup>43</sup> That case was limited to a request for indiscriminate mass disclosure of employee names and salaries. Individual employment contracts for high level local officials are public records pursuant to Government Code Section 6254.8. For all other requests, the City will be required to weigh privacy interests against the public's right to disclosure on a case by case basis. <sup>44</sup>

8. Are workplace investigations (i.e., sexual harassment investigations) considered public records that are subject to inspection under the CPRA?

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Workplace investigations constitute personnel records and are potentially exempted from disclosure under the personnel exemption, depending on who is requesting the documents. In order to protect the privacy rights of the accused and witnesses, no part of the investigation file - the investigation notes, witness statements, or notice of action taken against the accused - should be disclosed to the complainant. Likewise, the accused should not be provided with the investigation file in order to protect the privacy rights of the complainant and witnesses. However, if the investigation is the basis of discipline against the accused employee, then due process entitles the accused to a copy of the investigation. The public interest in protecting the privacy of the complainant, the accused, and the witnesses, and in preventing a chilling effect on future complaints, outweighs the public interest in disclosure of the investigation report and other related documents to third parties.<sup>45</sup>

#### E. City Contracts.

- 1. Are requests for financial information provided by vendors, contractors, or developers in the course of bidding on City projects or negotiating contracts with the City subject to disclosure?
- No. Financial information submitted in confidence by third parties responsive to advertised bid solicitations or during contract negotiations is generally not subject to disclosure under corporate privacy trade secret and/or deliberative process privilege, and as part of pre-contract negotiations.<sup>46</sup>
  - 2. If the award of the bid or contract is final, do the financial records become public records subject to disclosure?
- No. Not necessarily. After final Council action on a bid solicitation, financial information retained by the City as a public record may continue to be protected from disclosure to the following extent:
  - (i) the financial information is categorically exempt from disclosure;<sup>47</sup>
  - (ii) the financial information is not otherwise in the public domain and is within a constitutionally premised zone of privacy protection for confidential/personal financial information of persons and/or entities;<sup>48</sup>
  - (iii) the financial information involves tax return documents or information privileged from disclosure by state law; or <sup>49</sup>
  - (iv) the financial information is protected as a trade secret pursuant to Evidence Code Section 1060; and/or
  - (v) upon application of the balancing test, non-disclosure clearly outweighs the public interest served by disclosure. <sup>50</sup>
  - 3. Are bid proposals from bidders in response to advertised, competitively bid procurement subject to disclosure before the Council awards the contract?

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Yes, except to the extent the bid proposal contains information/material otherwise exempt, privileged, or not subject to disclosure under the balancing test, as discussed in sections E 1 and 2 above.

### 4. When Council takes final action on a bid, are bid proposals subject to disclosure?

Bid proposals that are retained by the City as public records are subject to disclosure, unless the information is otherwise categorically exempt, privileged, or the public interest served by non-disclosure clearly outweighs the public interest served by disclosure. <sup>51</sup> A bid proposal should be reviewed prior to its release, to ensure that it does not contain protected information that must be redacted prior to its release.

We are hopeful the foregoing assists you. Please do not hesitate to contact the attorney regularly assigned to work with your department if a question arises.

Respectfully submitted,

Approved:

Fresno City Attorney's Office Public Records Act Committee:

Tei Yukimoto, Deputy City Attorney Nancy Algier, Senior Deputy City Attorney Robert Coyle, Deputy City Attorney Victoria Parks Tuttle, Deputy City Attorney HILDA CANTU MONTOY
City Attorney

c: City Attorney Staff Attorneys

#### Attachment:

 Relevant Examples of Statutes that Exempt Information Contained in a Public Record from Disclosure.

TY:tlc:sz[18852tlc/mg/sz/TY13](08/26/04)

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#### **ENDNOTES**

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<sup>1</sup> Gov. Code §§ 6252 et seq.
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- <sup>12</sup> Gov. Code § 6253.9
- <sup>13</sup> Gov. Code § 6253(b).

<sup>&</sup>lt;sup>2</sup> Rogers v. Superior Court (1993) 19 Cal.App.4th 469.

<sup>&</sup>lt;sup>3</sup> 5 U.S.C. §§ 552 et seq.

<sup>&</sup>lt;sup>4</sup> Gov. Code § 6252(e).

<sup>&</sup>lt;sup>5</sup> Gov. Code § 6252(f).

<sup>&</sup>lt;sup>6</sup> Gov. Code § 6253.1.

<sup>&</sup>lt;sup>7</sup> Gov. Code § 6253(d).

<sup>&</sup>lt;sup>8</sup> Gov. Code § 6253(c).

<sup>&</sup>lt;sup>9</sup> Gov. Code § 6253.

<sup>&</sup>lt;sup>10</sup> Gov. Code § 6253(c).

<sup>&</sup>lt;sup>11</sup> Gov. Code § 6253(a); Northern Cal. Police Practices Project v. Craig (1979) 90 Cal.App.3d 116, 123-124.

<sup>2002</sup> Cal. AG LEXIS 2002, Attorney General Opinion No. 01-605- where California Attorney General concluded that counties have statutory authority to charge a fee that is reasonably necessary to recover the cost of counties providing copies under the CPRA. The state law relied on by the California Attorney General does not apply to charter cities.

<sup>&</sup>lt;sup>15</sup> Gov. Code § 6255.

<sup>&</sup>lt;sup>16</sup> Gov. Code § 6255.

<sup>17</sup> Ibid.

<sup>&</sup>lt;sup>18</sup> Gov. Code § 6257.5.

<sup>&</sup>lt;sup>19</sup> Filarsky v. Superior Court (2002) 28 Cal.4th 419.

<sup>&</sup>lt;sup>20</sup> Gov. Code § 6258.

<sup>&</sup>lt;sup>21</sup> Gov. Code § 6259(d).

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For "pending litigation" see Gov. Code § 6254(b); for attorney-client privilege see Evid. Code § 954; for official records privilege see Evid. Code § 1040; for work product see Code Civ. Proc. § 2018.

<sup>&</sup>lt;sup>23</sup> Gov. Code §§ 6254(f) and 6255.

<sup>&</sup>lt;sup>24</sup> Gov. Code § 6254(f).

<sup>&</sup>lt;sup>25</sup> Pen. Code § 13300 et seq.

<sup>&</sup>lt;sup>26</sup> Gov. Code § 6254(f).

<sup>&</sup>lt;sup>27</sup> T.N.G. v. Superior Court of the City and County of San Francisco (1971) 4 Cal.3d 767; Wescott v. County of Yuba (1980) 104 Cal.App.3d 103.

<sup>&</sup>lt;sup>28</sup> Gov. Code § 6254(f)(2).

<sup>&</sup>lt;sup>29</sup> Pen. Code § 841.5.

<sup>30</sup> Veh. Code § 16005.

<sup>&</sup>lt;sup>31</sup> Gov. Code § 6254(u)(1).

<sup>&</sup>lt;sup>32</sup> Pen. Code § 832.7; Evid. Code §§ 1043-1045.

<sup>&</sup>lt;sup>33</sup> Gov. Code § 6254.

<sup>&</sup>lt;sup>34</sup> Pen. Code § 13300 et seg.; Pen. Code § 11105 et seg.

<sup>35</sup> Gov. Code § 6254(f).

<sup>&</sup>lt;sup>36</sup> T.N.G. v. Superior Court of the City and County of San Francisco, supra.; Wescott v. County of Yuba, supra; Exceptions Wel. & Inst. Code §§ 827.2-830.1.

<sup>&</sup>lt;sup>37</sup> Gov. Code § 6254(f)(3).

<sup>&</sup>lt;sup>38</sup> Gov. Code § 6254(a).

<sup>&</sup>lt;sup>39</sup> California First Amendment Coalition v. Superior Court of Sacramento County (1998) 67 Cal.App.4th 159; Rogers v. Superior Court of Los Angeles County (City of Burbank) (1993) 19 Cal.App.4th 469.

<sup>&</sup>lt;sup>40</sup> Labor Code § 1198.5 applies to charter cities after the enactment of Gov. Code § 31011.

<sup>&</sup>lt;sup>41</sup> Labor Code § 1198.5(d)(1) and (2).

<sup>&</sup>lt;sup>42</sup> Gov. Code § 6254(c).

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<sup>&</sup>lt;sup>43</sup> Teamsters Local 856 v. Priceless (2003) 112 Cal.App.4<sup>th</sup> 1500 – California Supreme Court denied request for review and order of depublication on January 22, 2004.

<sup>44</sup> Gov. Code § 6255; Teamsters supra

<sup>&</sup>lt;sup>45</sup> See City of San Jose v. Superior Court of Santa Clara County (1999) 74 Cal.App.4th 1008.

<sup>&</sup>lt;sup>46</sup> See Gov. Code § 6254(a) and (h); Gov. Code § 6255.

<sup>&</sup>lt;sup>47</sup> See Gov. Code § 6254.15.

<sup>&</sup>lt;sup>48</sup> Gov. Code § 6254(k); Schnabel v. Superior Court of Orange County (1993) 5 Cal.4th 704, 718.

<sup>&</sup>lt;sup>49</sup> Rev. & Tax Code § 19542; Webb v. Standard Oil Co. (1957) 49 Cal.2d 509, 513-514.

<sup>&</sup>lt;sup>50</sup> Gov. Code § 6255.

<sup>&</sup>lt;sup>51</sup> Gov. Code § 6255.

# RELEVANT EXAMPLES OF STATUTES THAT EXEMPT INFORMATION CONTAINED IN A PUBLIC RECORD FROM DISCLOSURE

GOVERNMENT CODE SECTION 6275-6276.48

Attorney-client confidential communication. (Business and Professions Code, § 6068 and Evidence Code §§ 952, 954, 956.5, 957, 958, 959, 960 and 962)

Attorney, work product, confidential of. (Business and Professions Code, § 6202)

Attorney work product, discovery. (Code of Civil Procedure. § 2018)

Closed sessions, meeting of local governments, pending litigation. (Government Code § 54956.9)

Consumer credit report information being furnished for employment purposes. (Civil Code § 1785.18)

Electronic data processing, data security and confidentiality. (Government Code, § 1771 & 11772)

Eminent domain proceedings, data security and confidentiality. (Code of Civil Procedure § 1263.520)

Employee personnel file, confidential preemployment information. (Labor Code § 1198.5)

Financial records, confidentiality of. (Government Code, §§ 7470. 7471 & 7473)

Firearm License applications. (Government Code § 6254, subd.(u)

Fire sale and transfer, confidentiality of records. (Penal Code § 12082)

Initiative, referendum, recall, and other petitions, confidentiality of names of signers. (Government Code § 6253.5)

Local agency legislative body, closed session, disclosure of materials. (Government Code § 54956.9)

Local agency legislative body, closed session, nondisclosure of minute book. (Government Code § 54957.2)

Local agency legislative body, meeting, disclosure of agenda. (Government Code § 54957.5)

Multi jurisdictional drug law enforcement agency, closed sessions to discuss criminal investigation. (Government Code § 54957.8)

Official information acquired in confidence by public employee, disclosure of. (Evidence Code § § 1040 & 1041)

Payroll records, confidentiality of. (Labor Code § 1776)

Peace officer personnel records, confidentiality of. (Penal Code §§ 832.7 & 832.8)

Personal information, subpoena of records containing. (Code of Civil Procedure §1985.4)

Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy. (Government Code § 6254 (c)

Petition signatures. (Election Code § 18650)

Public utilities, confidentiality of information. (Public Utilities Code, § 583)

Real property, acquisition by state and local government, information relating to feasibility. (Government Code § 6254 subd.(h)

Residence address in any record of Department of Housing and Community Development, confidentiality of. (Government Code § 6254.1)

Sales and use tax, disclosure of information. (Revenue and Taxation Code § 7056)

Social security number, applicant for driver's license or identification card, disclosure of. (Vehicle Code § 1653.5)

Taxpayer information, confidentiality, local taxes. (Government Code § 6354, subd (I)

Trade secrets. (Evidence Code § 1060)

Trade secrets, disclosure of public records. (Civil Code § 3426.7)

Voting, secrecy. (Evidence Code § 1050)

Workers' compensation, self-insured employers, confidentiality of financial information. (Labor Code § 3742)

Workers' compensation, release of information to other governmental agencies. (Insurance Code § 11752.5)